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10 **UNITED STATES DISTRICT COURT**

11 **CENTRAL DISTRICT OF CALIFORNIA**

12 **WESTERN DIVISION**

13 SECURITIES AND EXCHANGE
14 COMMISSION,

15 Plaintiff,
16 vs.

17 DEAN P. GROSS and GREGORY W.
LASER,

18 Defendants.

19 Case No. CV 09-9144 AHM (RZx)

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21 **JUDGMENT OF PERMANENT
INJUNCTION AND OTHER RELIEF
AS TO DEFENDANT DEAN P.
GROSS**

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1 Plaintiff Securities and Exchange Commission having filed a Complaint and
2 Defendant Dean P. Gross (“Defendant”) acknowledged having been served with
3 the Complaint; entered a general appearance; consented to the Court’s jurisdiction
4 over Defendant and the subject matter of this action; consented to the entry of this
5 Judgment without admitting or denying the allegations of the Complaint (except as
6 to jurisdiction); and waived findings of fact and conclusions of law.

7 **I.**

8 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Defendant
9 and Defendant’s agents, servants, employees, attorneys, and all persons in active
10 concert or participation with them who receive actual notice of this Judgment by
11 personal service or otherwise and each of them, be and hereby are permanently
12 restrained and enjoined from, directly or indirectly, making use of any means or
13 instruments of transportation or communication in interstate commerce or of the
14 mails, to sell, to offer to sell, or to offer to buy any security, or carrying or causing
15 securities to be carried through the mails or in interstate commerce, by any means
16 or instruments of transportation, for the purpose of sale or delivery after sale, in
17 violation of Sections 5(a) and 5(c) of the Securities Act, 15U.S.C. §§ 77(e)(a) and
18 77(e)(c).

19 **II.**

20 **IT IS FURTHER ORDERED** that Defendant and his officers, agents,
21 servants, employees, attorneys, subsidiaries and affiliates, and those persons in
22 active concert or participation with any of them, who receive actual notice of this
23 Order, by personal service or otherwise, and each of them, be and hereby are
24 preliminarily restrained and enjoined from, directly or indirectly, in the offer or
25 sale of any securities, by the use of any means or instruments of transportation or
26 communication in interstate commerce or by use of the mails:

- 27 A. employing any device, scheme or artifice to defraud;
28 B. obtaining money or property by means of any untrue statement of a

1 material fact or any omission to state a material fact necessary in order
2 to make the statements made, in light of the circumstances under
3 which they were made, not misleading; or

- 4 C. engaging in any transaction, practice, or course of business which
5 operates or would operate as a fraud or deceit upon the purchaser

6 in violation of Section 17(a) of the Securities Act, 15 U.S.C. § 77q(a).

7 **III.**

8 IT IS FURTHER ORDERED that Defendant, and his officers, agents,
9 servants, employees, attorneys, subsidiaries and affiliates, and those persons in
10 active concert or participation with any of them who receive actual notice of this
11 Order, by personal service or otherwise, and each of them, be and hereby are
12 permanently restrained and enjoined from, directly or indirectly, in connection
13 with the purchase or sale of any security, by the use of any means or
14 instrumentality of interstate commerce, or of the mails, or of any facility of any
15 national securities exchange:

- 16 A. employing any device, scheme, or artifice to defraud;
17 B. making any untrue statement of a material fact or omitting to state a
18 material fact necessary in order to make the statements made, in the
19 light of the circumstances under which they were made, not
20 misleading; or
21 C. engaging in any act, practice, or course of business which operates or
22 would operate as a fraud or deceit upon any person

23 in violation of Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule
24 10b-5 thereunder, 17 C.F.R. § 240.10b-5.

25 **IV.**

26 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED
27 that Defendant shall pay disgorgement of ill-gotten gains, prejudgment interest
28 thereon, and a civil penalty pursuant to Section 20(d) of the Securities Act, 15

1 U.S.C. § 77t(d), and Section 21(d)(3) of the Exchange Act, 15 U.S.C. § 78u(d)(3).
2 The Court shall determine the amounts of the disgorgement and/or civil penalty
3 upon motion of the Commission. Prejudgment interest shall be calculated from
4 December 31, 2006, using the post-judgment rate of interest prescribed by 28
5 U.S.C. § 1961. In connection with the Commission's motion for disgorgement
6 and/or civil penalties, and at any hearing held on such a motion: (a) Defendant will
7 be precluded from arguing that he did not violate the federal securities laws as
8 alleged in the Complaint; (b) Defendant may not challenge the validity of the
9 Consent or this Judgment; (c) solely for the purposes of such motion, the
10 allegations of the Complaint shall be accepted as and deemed true by the Court;
11 and (d) the Court may determine the issues raised in the motion on the basis of
12 affidavits, declarations, excerpts of sworn deposition or investigative testimony,
13 and documentary evidence, without regard to the standards for summary judgment
14 contained in Rule 56(c) of the Federal Rules of Civil Procedure. In connection
15 with the Commission's motion for disgorgement and/or civil penalties, the parties
16 may take discovery, including discovery from appropriate non-parties.

17 **V.**

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the
19 Consent is incorporated herein with the same force and effect as if fully set forth
20 herein, and that Defendant shall comply with all of the undertakings and
21 agreements set forth therein.

22 **VI.**

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this
24 Court shall retain jurisdiction over this matter for the purpose of enforcing the
25 terms of the Judgment, as well as determining disgorgement, prejudgment interest,
26 and civil penalties.

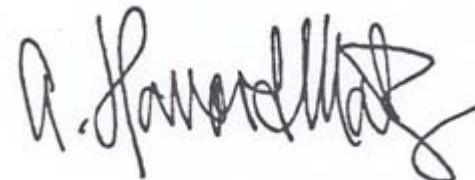
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2 **VII.**
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6 There being no just reason for delay, pursuant to Rule 54(b) of the Federal
7 Rules of Civil Procedure, the Clerk is ordered to enter this Judgment forthwith and
8 without further notice.
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10 Dated: March 15, 2010
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12 **JS-6**
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14 HONORABLE A. HOWARD MATZ
15 UNITED STATES DISTRICT JUDGE
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